

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed November 16, 2005.

By this Amendment, Applicants amend claims 1, 19, 37, 55, and 73. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1, 19, 37, 55, and 73. No new matter has been introduced.

Claims 1, 3-9, 11, 19, 21-27, 29, 37, 39-45, 47, 55, 57-63, 65, and 73 are pending in this application. Claims 1, 19, 37, 55, and 73 are the sole independent claims.

On pages 4-8 of the Office Action, claims 1, 9, 11, 19, 27, 29, 37, 45, 47, 55, 63, 65, and 73 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,677,992 B1 to Matsumoto et al. ("Matsumoto"). Applicants respectfully traverse this rejection.

Matsumoto does not disclose the claimed invention. For example, independent claim 1 recites a method including, among other aspects, "calculating a pixel value for each of the plurality of images; multiplying the pixel value obtained at the calculating step by a factor set based on the exposure condition to calculate a positive value; compensating the levels of the plurality of images on the basis of the exposure conditions under which they have been sensed respectively, to provide a plurality of compensated images by subtracting a positive value compensation amount from each image; said positive valued compensation amount being calculated by multiplying a level average of each image of a coefficient based on the corresponding exposure condition; said coefficient being selected for each image based on the exposure

condition of that image.” Independent claims 19, 37, 55, and 73 recite similar aspects. Matsumoto does not disclose at least these aspects of the invention either alone or in combination with the other aspects of the respective claimed inventions.

For example, page 5-6 of the Office Action asserts that “the weighting function (f.g) are applied to the image signals of each field (A,B) a positive value compensation amount is subtracted from the pixel level of each of the plurality of images (x1, x2) to produce a compensated image ($x1 * \cos^2(px)$ for field (A); $x^2 * \sin^2x(px)$ for field (B)).” Applicants respectfully disagree. Even assuming *arguendo* that all the other portions of the aforementioned statement are true, Matsumoto only discloses “adding,” and not “subtracting” as set forth in independent claim 1. Indeed, while there are numerous mentions of adding (e.g., adder 29, 89, 135, 252), there is no mention of subtracting at all. Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(e) rejection based on Matsumoto.

On pages 9-15 of the Office Action, claims 3-5, 21-23, 39-41, and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of U.S. Patent No. 6,278,490 to Fukuda et al. (“Fukuda”); and claims 6-8, 24-26, 42-44, and 60-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto in view of U.S. Patent No. 4,757,386 to Sanner (“Sanner”). At least because neither Fukuda nor Sanner have been cited as remedying the aforementioned deficiencies of the rejection under 103(a) in view of Matsumoto, and indeed the Office Action has cited Matsumoto for reasons unrelated to the deficiency, consequently, Applicants respectfully submit that the Section 103(a) rejections be withdrawn.

Claims 3-9, 11, 21-27, 29, 39-45, 47, 57-63, and 65 depend from one of independent claims 1, 19, 37, 55, and 73, and are therefore allowable for at least the same reasons that each respective independent claim is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references, and therefore at least some also are separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is neither anticipated nor rendered obvious in view of the art cited against this application. Applicants therefore request the withdrawal of the final rejection, and the timely allowance of pending claims 1, 3-9, 11, 19, 21-27, 29, 37, 39-45, 47, 55, 57-63, 65, and 73.

The Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.


In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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